

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL J. DAVIS, ELENA LOMBARDI,
CAROL SMITH, ANDREW WHALEN
and all others similarly situated,

Plaintiffs,

Civil Action No.
01-CV-6492L

versus

JPMORGAN CHASE & CO.,
JPMORGAN CHASE BANK,
CHASE MANHATTAN MORTGAGE
CORPORATION,

Defendants.

J. Nelson Thomas, being duly sworn, deposes and says:

1. I am a partner at the law firm of Thomas & Solomon LLP. This law firm represents the plaintiffs in the above-captioned action.

2. I am fully familiar with the facts and circumstances surrounding this matter, and I submit this affidavit in support of plaintiffs' Motion For Expedited Notice To Affected Employees pursuant to the Fair Labor Standards Act ("FLSA").

Notice for Collective Action

3. Attached hereto as Exhibit A is proposed notice, consent form, information sheet and envelope for the members of this collective action.

4. The notice provides notice of the pendency of the action and of the opportunity to opt-in.

5. The plaintiffs' legal claims are accurately described.

6. Potential opt-ins are advised that defendants are defending against the claims and that they are not required to participate.

7. The notice provides clear instructions on how to opt-in; describes the legal effect of joining the suit; describes the legal effect of not joining the suit; and accurately states the prohibition against retaliation or discrimination for participation in an FLSA action.

8. Plaintiffs' counsel may also engage a third-party service provider to send the notice and respectfully requests the right to modify the notice on issues of form if needed to accommodate the provider. This would include such things as the address and phone numbers provided.

9. Attached hereto as Exhibit B is the Federal Judiciary Center's methodology and discussion of plain language drafting of legal documents.

10. Attached hereto as Exhibit C is the Federal Judiciary Center's Employment Discrimination Class Action - Full Notice.

Appointment of Class Counsel

11. I currently sit on the American Bar Association's editorial board for the Fair Labor Standards Act treatise.

12. Further, I regularly speaker on class actions. For example, I recently chaired an annual national conference of prominent defense and plaintiffs' attorneys sponsored by the American Conference Institute on wage and hour class actions. I was also recently asked to speak on wage and hour class actions by the New York section of the National Employment Lawyer's Association on the white collar exemptions under the FLSA.

I affirm under penalty of perjury that the foregoing is true and correct.

Executed on April 8, 2010.

s/ J. Nelson Thomas
J. Nelson Thomas